

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

ERIC THOMAS GILBERT,

Plaintiff,

**V.**

ATS SPECIALIZED INC, et al.,

Defendants.

Civil Action No. 1:15-CV-041-C

## ORDER

In the Findings, Conclusions and Recommendation filed February 2, 2017, the Magistrate Judge recommended that the Court find that jurisdiction over this action is lacking and dismiss the case pursuant to Fed. R. Civ. P. 12(h)(3). No timely objection to the Report and Recommendation was filed.

After reviewing the Report and Recommendation for plain error, the Court finds that the findings and conclusions of the Magistrate Judge are correct and adopts them as the findings and conclusions of the Court.

Accordingly, the Court finds that subject matter jurisdiction is lacking and this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 2 day of March, 2017.

SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE